

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Glenn Moyer, Planning & Development Services
Delma Sanchez, City Recording Clerk

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1 ZONING EXAMINER: Good evening everybody. Let's, let's
2 get started. My name is Linus Kafka. I'm the Zoning Examiner
3 for the City of Tucson. I conduct rezoning hearings on behalf of
4 the Mayor and Council, and I make findings of fact which I put
5 into a report, along with my recommendation which I then send on
6 to Mayor and Council.

7 My report will be based on the evidence submitted to me
8 as part of the rezoning application, as well as on testimony
9 taken tonight. A tape recording is being made of tonight's
10 testimony by the City Clerk's Office, and if necessary, a
11 transcript will be prepared.

12 And I'll prepare a preliminary report and a final
13 report. After I close the hearing, I'll prepare a preliminary
14 report within five working days. I'll prepare a final report two
15 weeks after the close of the public hearing.

16 For those of you who wish to receive a copy of my
17 preliminary report, and you're not already a principal listed on
18 the case, please fill out one of the orange cards. I believe I
19 saw somebody passing out orange cards. Those are not speakers'
20 cards. Those are if they want a copy of the preliminary report
21 cards. So fill those out if you want a copy of the preliminary

1 report. If you wish to speak tonight, I'll be calling people.

2 A copy of the final report will be available from the
3 Planning & Development Services Department, and I'll send that
4 report along to the Mayor and Council. They may consider my
5 recommendation, along with other factors and make their decision
6 on that.

7 At the start of the hearing, I'd like to have Mr. Glenn
8 Moyer of the Planning & Development Services Department give me a
9 brief presentation on the case. After that, I'll have the
10 Applicant come up to present the case. After the Applicant
11 presents, I'll call up more people wishing to speak on the case.

12 The general order is, I like to call upon people who
13 support the case. The general order is I'd like to call upon
14 people who support the case, after the Applicant has presented.
15 And then follow with people who oppose the case, or have some
16 other relevant issue to say.

17 Since I cannot have any communications with parties
18 involved in this case, now is the time to speak. If you wish to
19 speak tonight, please make sure to print your name and address
20 clearly on the sign-in sheet when I call you up. That helps us
21 with an accurate record. We're able to identify people and keep
22 the record clear. I'll also ask you to announce your name so
23 that I can relate to you.

24 And at this time, I'd like to swear in those wishing to

1 speak this evening. So if you're planning on speaking this
2 evening, if you would stand now and raise your right hand, do you
3 swear or affirm to tell the truth, the whole truth, and nothing
4 but the truth?

5 (Affirmative.)

6 ZONING EXAMINER: All right. Thank you. We have two
7 cases on the agenda this evening. Both are in Ward 6. When a
8 Council Member, Council Member's Office makes an appearance at
9 these hearings, I like to acknowledge that. Ward 6 is here
10 tonight. Thank you.

11 First case is Case No.: C9-15-02 Broadway Village,
12 Eastbourne Avenue. Mr. Moyer, if I could get some background on
13 this.

14 MR. MOYER: This is request by Kelly Lee of the
15 Planning Center on behalf of the property owners, American- --
16 Americana Lodgings LLC, to rezone approximately 0.5 acres from
17 O-3 to P zoning. The rezoning site is located at the southeast
18 corner of Eastbourne Avenue and Manchester Street.

19 The Preliminary Development Plan proposes a parking lot
20 with 53 spaces to be incorporated into the Broadway Village
21 Shopping Center to provide employee parking, customer parking,
22 and parking for the general public in the immediate surrounding -
23 and for the, and for the immediate surrounding commercial
24 businesses. The existing land use is multi-family residential.

1 The rezoning site was a subject to an amendment to both
2 the Broadmoor-Broadway Village Neighborhood Plan and the Arroyo
3 Chico Area Plan to allow a parking land use. On February 4th,
4 2015, Mayor and Council approved the plan amendment with
5 conditions, none of which directly impact development of the
6 site.

7 The land use policy direction for this area is provided
8 by Plan Tucson, the Arroyo Chico Area Plan, and the Broadmoor-
9 Broadway Village Neighborhood Plan as amended.

10 The rezoning site is located within a mixed-use
11 corridor as identified on the Future Growth Scenario Map of Plan
12 Tucson. Mixed-use corridors provide for a higher-intensity mix
13 of jobs, services and housing along major streets.

14 Plan Tucson supports the redevelopment and
15 revitalization of existing commercial land use that will
16 stabilize and enhance the transition edge when adjacent to
17 residential uses, and supports development that preserves and
18 strengthens the distinct physical character and identify of
19 individual neighborhoods and commercial districts in the
20 community.

21 Plan Tucson policy land use and transportation policy
22 28.6.7 supports the expansion of commercial areas into adjoining
23 residential areas and logical boundaries such as existing streets
24 or drainage ways can be established and the adjacent residential

1 property can be appropriately screened and buffered.

2 The Arroyo Chico Area Plan Residential Subarea Two Map
3 identifies the proposed rezoning site for parking as a permitted
4 use. The Broadmoor-Broadway Village Neighborhood Plan allows for
5 a parking use on the proposed rezoning site on the Recommended
6 Land Use Map, and which designates the site for parking.

7 The rezoning site is a pie-shaped parcel, about a half
8 acre in size. Properties to the immediate north and east are
9 zoned PAD-19, which is the Broadway Village P-A-D, and are
10 developed with commercial, retail uses including a commercial
11 parking lot that abuts the rezoning site.

12 The properties to the south are zoned R-1, single-
13 family residential. The properties to the west are zoned O-3 and
14 R-1 and developed with multi-family residential and single-family
15 residential uses.

16 Access to the proposed parking lot will be through the
17 existing Broadway Village Shopping Center parking lot. No direct
18 access is provided onto either Eastbourne Avenue or Manchester
19 Street from the rezoning site. Both Eastbourne Avenue and
20 Manchester are local streets.

21 The Pima Association of Government's Transportation
22 Planning Division estimates that the proposed development will
23 have no traffic impact. While resulting in more parking than
24 typically supported by Staff, the rezoning includes benefits to

1 the neighborhood required as conditions of approval of the plan
2 amendment to allow the P zone at this location.

3 If this P zone is not approved, the related changes to
4 the Broadway Village P-A-D, the HL designation, Historic Landmark
5 designation removal of future buildings, DNE, and a \$10,000
6 contribution to the neighborhood for the National Register
7 Historic designation would no longer be required. Rezoning to
8 the P zone also allows for design criteria to be placed on the
9 subject property that otherwise would not be.

10 The Preliminary Development Plan shows 13 trees
11 proposed within and along the perimeter of the parking lot to
12 provide shade and screening. There is an existing mature
13 mesquite tree that the Applicant is proposing to remove due to
14 high risk of the tree collapsing from drought stress and decay.
15 Given the tree's extensive size maturity, a second opinion from a
16 third-party arborist could be considered to see if there is any
17 way possible to save the tree.

18 The Preliminary Development Plan also indicates that
19 along the southern boundary of the parking lot, there will be a
20 four-foot-wide landscape border with a 30-inch tall vegetative
21 screen. The Unified Development Code requires a five-foot wall
22 between parking lots and residential development. The proposed
23 perimeter design requires a variance process, including a public
24 hearing before the Board of Adjustment.

1 Staff could support a variance request if the design
2 for a five-foot tall wrought iron fence and 30-inch vegetative
3 screen, excuse me, with a five-foot tall wrought iron fence and
4 30-inch vegetative screen along the north, west and south
5 perimeters.

6 The proposed sidewalk along the western edge of the
7 parking lot, along Eastbourne Avenue, should be six feet in
8 width, as this route is the main pedestrian route from the
9 interior of the neighborhood to Broadway Village. All proposed
10 pedestrian crossings as shown on the Preliminary Development Plan
11 should be designed to have a change in paving texture or pattern
12 color that distinguishes it as a pedestrian crossing.

13 Lighting within the parking lot should provide even
14 lighting coverage and prevent spillover light onto public right-
15 of-ways and neighboring residences. The proposed parking lot
16 design and configuration is predicated on the vacation and
17 abandonment of the existing 20-foot public alley that is adjacent
18 to the eastern boundary of the rezoning site.

19 The property owner will be dedicating a new 20-foot
20 public alley along the southern edge of the property. As part of
21 the alley consent and agreement with adjacent property owners,
22 the property owner has agreed to contribute payment for the
23 construction of adjacent off-site wall improvements.

24 The proposed land use is supported by and consistent

1 with the direction provided by Plan Tucson, the Broadmoor-
2 Broadway Village Neighborhood Plan, and the Arroyo Chico Area
3 Plan as amended February 4th, 2015. The P zone can serve as an
4 appropriate transition and buffer between the commercial and
5 residential uses to the west and south.

6 Subject to compliance with the attached Preliminary
7 Conditions, approval of the requested P zoning is appropriate.
8 As of today, the Planning & Development Services Department has
9 received six approvals and no protests.

10 ZONING EXAMINER: Thank you, Mr. Moyer. I'll note that
11 there were additional letters of support I received today.
12 They're made part of the record. That doesn't change the count,
13 though.

14 MR. MOYER: The approval/protest is significant when
15 there are protests in excess of 20%. So the approvals, though
16 mean something, they do not change the legal requirements for the
17 rezoning.

18 ZONING EXAMINER: All right. Thank you. Ms. Lee or
19 Mr. Grassinger? I'm gonna see if we can have these lights right
20 here turned off so that people can see the screen a little bit
21 better.

22 MR. GRASSINGER: It would be helpful.

23 ZONING EXAMINER: Okay.

24 MR. GRASSINGER: Good evening, Mr. Kafka, Mr. Moyer.

1 My name is Mike Grassinger. I'm with the Planning Center at 110
2 South Church right here in beautiful Tucson, Arizona.

3 We're here tonight to talk about the rezoning of a
4 property that has been in the works for almost close to three
5 years now, and has had a lot of input from a number of people.
6 But let me go through the, the presentation as quickly as
7 possible.

8 The property is shown here outlined in yellow. This is
9 the Broadway Village Shopping Center here. The P-A-D itself is
10 shown by the shaded area which includes a parking lot to this, to
11 the immediate east, and these buildings have recently been
12 demolished.

13 This is the Broadway Village P-A-D, and the property
14 that we're talking about is located right here for the rezoning.
15 It - this demonstrates that these two buildings here will be
16 subject to the Historic Landmark zone and these two buildings,
17 future buildings, will no longer be included in the P-A-D. They
18 will be eliminated from development assuming that this rezoning
19 is approved.

20 Also if that is approved, this entry will be eliminated
21 and there will be a variety of other minor changes which I'll,
22 I'll discuss as we go through this. Again, closer look at the,
23 at the proposed site. Again, these buildings, with the exception
24 about half of this one, are gone. That one will probably be gone

1 tomorrow. So everything has been removed and also recycled, both
2 the brick is being recycled, the casement windows. A lot of, lot
3 of things about the property have been recycled as part of the
4 demolition.

5 As Mr. Moyer mentioned, the property is currently zoned
6 O-3, which allows office, or multi-family residential. Our
7 proposed use is for parking for the Broadway Village Shopping
8 Center. We went through a couple of plan amendments recently,
9 in, in the spring this year with both the Arroyo Chico Area Plan
10 and the Broadway -- Broadmoor-Broadway Village Neighborhood Plan.

11 Those were approved for designation of P, for this
12 property as opposed to the earlier designation of lower density
13 resi- -- or medium density residential. The, the idea was to -
14 is to provide enough parking to, to continue to revitalize and
15 preserve the Broadway Village Shopping Center as a viable
16 commercial entity and to protect the historic significance of
17 the property.

18 There is already overflow parking which is being pushed
19 off of site. And I think you have at least one letter
20 demonstrating that to one of the adjoining property owners who's,
21 who is supporting this because it is impacting his particular
22 parking.

23 Natural Grocers is moving in. It's a grocery in a
24 location where there was originally a grocery store when this was

1 first built. So again, trying to continue to maintain the
2 historic nature of the property. This will be something that was
3 originally part of the mix, if you will, of the shopping center.

4 And then again, we're anticipating - and we know that
5 there are times when the parking lot is completely full due to
6 the existing tenants. And so we're trying to provide for the
7 future use of, of the development.

8 I mentioned the current zoning - won't belabor that.
9 This is the proposed development plan for the, for the parking
10 lot. As you can see, this is the only entrance to this parking
11 lot. There are no entrances on either Manchester or Eastbourne.

12 The idea is, entrance will come through this existing
13 parking lot and into this one. The intent here is as much as
14 possible, we're asking the tenants of the property to direct
15 their employees to park here. So that will free up the spaces
16 closer to the shopping center for prospective customers.

17 The other features are, this is - these parking spaces
18 are going to be redesigned for back-in parking. They currently
19 exist as perpendicular parking, and that causes a little bit of a
20 traffic issue as a result of that. We will be including a new
21 sidewalk along this edge, and landscaping. As Mr. Moyer said,
22 there's a number of large canopy trees shown on here as well as
23 in the interior of it.

24 As part of this, the current alleyway which runs

1 directly north like this, is being relocated. This is a result
2 of meeting with City of Tucson Transportation Department - was
3 actually their recommendation that we realign the alley. We have
4 since worked with the adjoining property owners, and have 100%
5 support for the realignment. And that will be done prior to the
6 development of the actual parking lot. And it's in the works as
7 we speak.

8 So part of the enhancement of this whole parking and
9 traffic situation here is that we're gonna do the things that
10 I've talked about with the no entry onto Manchester or
11 Eastbourne, but also with approval from the City, put in some
12 traffic signs that show local traffic only as you go down
13 Eastbourne into the neighborhood to discourage people from, from
14 going through the neighborhoods.

15 As part of that, there'll also be - we're talking about
16 adding a couple of other stop signs at the intersection of
17 Manchester and Eastbourne. There currently is a stop sign here,
18 and we're talking about putting another one here, and a third one
19 here to help slow down - make it safer for pedestrians
20 particularly, and also for bicycle traffic as it goes through.

21 Again, no direct access from the parking lot to the
22 streets. Tenant employees will be using it. We're, we're seeing
23 that this will improve the pedestrian circulation through new
24 sidewalks and particularly handicapped accessible, and the other,

1 other thing is that we're also prohibiting any multi-story
2 parking structures. No commercial vehicles will be using this
3 parking lot. No loading zones we located there, nor any
4 dumpsters. So it's strictly a surface-level parking lot for
5 vehicles.

6 We will be complying with the Dark Sky Ordinance of the
7 City, and lighting will be similar to that which was approved for
8 the, for the parking lot immediately to the east so the whole
9 thing blends, if you will.

10 A sound attenuation plans includes some of the screen
11 walls and landscaping. But we, we've made agreements with
12 adjoining property owners, again, to replace existing walls which
13 are inadequate for, for sound attenuation purposes or visual
14 screening. And we will be working with the three adjoining
15 property owners in that regard, and helping them with their new
16 screen walls.

17 Landscape plan. We'll install typical native
18 vegetation, drought-tolerant. We'll incorporate water
19 harvesting. There will be new landscaping along the borders,
20 along Manchester and Eastbourne as well as the alley.

21 And a security plan. We're work- -- we've worked with
22 the City of Tucson Police Department on this. There -
23 originally, there was supposed to be - I'll go back again. The
24 idea was to have a, a second wall along here. And the police

1 department suggested that that was really not a good idea, not,
2 not as far as safety goes. So we've worked with them to make
3 that a wrought iron fence along here so that there's a visibility
4 into the site from the alley.

5 And also we'll be installing electronic surveillance
6 cameras in that parking lot to, to make sure that everything is,
7 is safe back there. There's been some concern because it's so
8 far away from the main building. That could bother -
9 particularly if there's tenants, or I'm sorry, employees parking
10 there for long periods of time. They don't want their vehicles
11 being, you know, broken into. So that's, that's - those are the
12 intents of that.

13 We talked - as part of the plan amendment process,
14 there were some conditions that were required for - as part of
15 the amendments as we proceeded through with this rezoning. And
16 one of those was to provide Historic Landmark designation for
17 Buildings B and C, which are the two main buildings of the
18 shopping center.

19 We've - we're in that process through a Planned Area
20 Development, a P-A-D, minor amendment process which actually has
21 already been completed. That minor amendment is approved by
22 Development Services Director, contingent upon approval of this
23 rezoning. So once this zoning gets approved by Mayor and
24 Council, that P-A-D amendment will go into effect.

1 So that is, is, in fact, the Historic Landmark
2 designation has moved forward as we speak. The Tucson-Pima
3 County Historic Commission Plans Review Sub- -- Subcommittee
4 reviewed the Natural Grocers shell improvements and gave approval
5 with some minor modifications.

6 We have already submitted the State of Arizona Historic
7 Property Inventory to the City of Tucson Historic Preservation
8 Office. That was accepted today, and submitted for, again, for
9 the Tucson-Pima County Historic Commission Plans Review
10 Subcommittee. Big mouthful of, of "committee" there.

11 So we're demonstrating that we are in, in compliance
12 with that. In fact, we're, we're embracing it wholeheartedly.
13 Secondly, an escrow account was required prior to Mayor and
14 Council hearing. And that is - the, the mechanics of that are
15 in, in the works right now.

16 We expect that to be probably within the next two weeks
17 that escrow account will be set up, and that will be a \$10,000
18 amount which will be in favor of the neighborhood for purposes of
19 establishing a Neighborhood Historic District for Broadmoor
20 Neighborhood.

21 And then there is a - the other part of that was the
22 minor, as the minor plan amendment, was to eliminate those two
23 future buildings. And as a, and as a result of that PAD
24 amendment, those, those will be rezoned. Let me go back again,

1 and just talk real quickly about a couple of other things.

2 As I said, these will be Historic Landmark designation.
3 These two buildings will be eliminated. This entryway
4 (inaudible) this entryway is eliminated. This entryway was
5 having problems because of restriction. It has already been
6 modified. There's a wider radius for a turn here.

7 There was a water hydrant, a fire hydrant here that
8 was, was causing problems. That has been relocated. And the
9 striping along for the street has also been redone in order to
10 provide easier access into both the shopping center and the
11 neighborhood. And, again, the changes to the parking.

12 So that's essentially where we have been, and where we
13 are today. And I'll be happy to answer any questions.

14 ZONING EXAMINER: I don't have any questions. Any
15 further comments from -

16 MR. GRASSINGER: No.

17 ZONING EXAMINER: Okay. All right. At this time, I'd
18 like to ask anybody who's wishing to speak in favor of the
19 proposed application for rezoning to raise their hand. All
20 right. I'll start with you, sir. You're right here on the -

21 (Inaudible conversation.)

22 ZONING EXAMINER: Yeah, let's start with those in favor
23 of the, of the proposed project.

24 MR. BASYE: I wanted to be assured, and Mr. Grassinger

1 seemed to indicate that, that - and we have a Council Member,
2 Steve Kozachik.

3 ZONING EXAMINER: Before you begin, I'm gonna -

4 MR. BASYE: Dick Basye. Broadmoor Neighborhood Member.

5 ZONING EXAMINER: And can you just sign in on the sign-
6 in sheet there?

7 MR. BASYE: Yes.

8 ZONING EXAMINER: Thank you.

9 MR. BASYE: Yeah. Just, apparently Mr. Grassinger said
10 what I wanted to be assured of, and Mr. Kozachik has told our
11 neighborhood. And that is in accord with the, the demolition
12 that was done and the additional parking that was going to be
13 provided is that no new structures would be added to the Broadway
14 Village due to the additional parking.

15 That the developer will obtain historic designation for
16 the Broadway Village, and the developer will provide \$10,000 to
17 the Broadmoor Neighborhood Board to seek historic designation
18 upon City Council approval. And those are the three covenants
19 that we want to be sure that are legally binding, if you will.
20 That's all we're asking - I'm asking (inaudible)

21 ZONING EXAMINER: All right. Thank you. Sir.

22 MR. LEWIS: Good evening. I'm Alan Lewis representing
23 Natural Grocers. I manage stakeholder relations.

24 Just three quick comments. First of all, about the

1 company. We have about 100 stores west of the Mississippi.
2 We're family-run. And that family comes in every day and, and
3 stocks product or pays the bills, whatever needs to be done.

4 We have a very different business model for the most
5 grocers because we have small stores, and every store has a
6 community room, a teaching kitchen, a full-time nutritionist and
7 outreach services, and a lot of training and outreach and
8 nutrition education programs which are offered to the community
9 free of charge.

10 And in short, we don't have a nutrition veneer on our
11 stores in order to sell crackers and carrots, we sell crackers
12 and carrots to fund our core mission, which is nutrition
13 education and making healthier communities.

14 The other thing that's different about us is that we
15 can repurpose 10,000-square-foot historic building in a very
16 tight location in an urban environment. In fact, this is one of
17 our preferred specialities. We did the Casa Linda Theater in,
18 in, in Dallas. We did a bowling alley in Golden. Another one in
19 Denver.

20 And these maintain their external character for the
21 community while they're being repurposed, and very often bringing
22 groceries into a neighborhood for the, for the first time in many
23 years. So the people don't have to consider driving 10 or 20
24 minutes to, to find a full-service grocery store.

1 So in this location, we will have probably 8,000 square
2 feet of selling space, including cashiers and whatnot. You will
3 not find the next (inaudible) grocery store lower than 20,000
4 square feet. We will invest over \$2 million in startup and setup
5 and capital expenses in this small location. And we will hire
6 everyone from the community, probably including the manager from
7 one, one of the existing Tucson area stores.

8 So we are extraordinarily happy to be in Tucson. And
9 we feel very welcome. And I just want to thank everyone from
10 Tucson in the room 'cause I flew in Denver - from Denver, and I
11 want to thank everyone for having us and giving us opportunity at
12 Broadway Village.

13 Obviously, one of our biggest concerns is parking.
14 That corner location is, is great for traffic. We will make our
15 store model work in that small footprint. We will service the
16 community. We will have community rooms and teaching kitchens
17 and nutritionists and free coffee in the morning as long as
18 people feel comfortable pulling over and stopping.

19 And I'd say that the development there with the back
20 parking, it's a huge plus. The first back parking then the
21 second big lot. But adding these 52 spaces, plus the six on the
22 street is incredibly important to us.

23 At peak, we'll have ten to fifteen employees at the
24 store. And as much as we encourage our employees to take the

1 bus, or carpool, or ride their bikes, and to that end we put a
2 nice shower in each store so that employees can arrive and get
3 cleaned before their work.

4 As much as we encourage that, when it's inclement, or
5 when they're running late, or when they just live a little bit
6 too far away, it's, it's not very possible. Inasmuch as we
7 encourage and would like our customers to do the same, it's very
8 hard to even to take public transit with two or three bags of
9 food for a small household, let alone a larger family.

10 So, the, the parking will be incredibly important for
11 our long-term success, and our ability to provide those services.
12 I am very sensitive, coming from outside of a place like Tucson,
13 and having any opinion about your community. I grew up, born,
14 raised, bread and buttered in Denver, and it's always a tense
15 situation when the outside developers come into Denver and tell
16 us to remove our store from historic building because they're
17 putting up an eight-story multi-unit, high-density development
18 there.

19 What I see, if I may make a comment, is a great
20 development, attention to historical preservation, and our
21 opportunity to add that full-service grocery store to the
22 community because this parking is going to facilitate access.
23 It's fine if a grocery sits there. It doesn't do us much good
24 unless those cars have an easy place to park and people can take

1 that cart and get stuff unloaded safely and quickly. So that's
2 the end of my comments. Thank you.

3 ZONING EXAMINER: Thank you. Sir, you wish to speak?

4 MR. REPP: Thank you. My name is Page Repp. I'm an
5 architect and general contractor. I've designed and built five
6 of the places that are currently open at Broadway Village. So I
7 have a unique perspective on what it - how the parking lot
8 functions. The, the - it definitely - we definitely do need
9 additional parking.

10 I actually am part-owner of one of the businesses that
11 are there. And I know that it is challenge currently for
12 parking. And with the addition of a 10,000-square-foot grocery,
13 it's only going to be magnified. We gladly welcome the
14 additional grocer, and then we're very excited about the future
15 of the, of the Broadway Village.

16 It's going to be - become revitalized, become a, a
17 magnet for the neighborhood and really do a lot to enhance
18 community connectivity, and make it easy for people to get what
19 they need on a daily basis.

20 So I just want to voice my support for the, for the
21 rezoning because Broadway Village does need the parking. It will
22 enhance safety and enhance security. And it will make an already
23 vibrant space even more vibrant because this will make it so that
24 the vacant space will become full. This will allow us to attract

1 better tenants, better, better services for the surrounding
2 community. Thank you.

3 ZONING EXAMINER: Thank you. Sir.

4 MR. KIM: Good evening, Mr. Kafka, and Mr. Moyer. My
5 name is Chun Kim, and I own and operate Sushi Garden at the
6 Broadway Village. For the past four years since we've been open,
7 I've hired a valet service to park cars for free at the center on
8 the weekends, and just to alleviate some of the parking issues
9 that we have at the center.

10 In addition, we still receive complaints from the
11 neighborhood saying that customers are parking in front of their
12 homes, you know, and whatnot, and asking us to remove the cars.
13 But we don't really know who's parking there.

14 Unfortunately, the, the neighborhood wants to deny us
15 the parking rezone, and also are upset that people are parking in
16 front of their homes. With Natural Grocers and possibly another
17 tenant that requires a lot of parking coming into Broadway
18 Village, I believe it's imperative that the - that you approve
19 the rezoning request for parking on the parcel.

20 I feel if you vote "no" on the rezoning request that
21 you're telling businesses and developers that are trying to come
22 into the Broadway Corridor that you don't want to help them and
23 wish them success. So I just hope that you approve this.
24 Thank you.

1 ZONING EXAMINER: Thank you. Anyone else wishing to
2 speak in support of the proposed rezoning? All right. At this
3 time, those of you who wish to speak against the proposed
4 rezoning, if you'd raise a hand to speak. Mr. Clinco.

5 MR. CLINCO: Good evening, Zoning Examiner Kafka. My
6 name is Damien Clinco and I represent the Tucson Historic
7 Preservation Foundation.

8 I'm here this evening because it's, it's - this has
9 been a little bit of a disappointing process. The Mayor and
10 Council, as part of the requirements for the area plan change set
11 out some very specific parameters. Condition A, which Mr. Moyer
12 has already read into the record, I will re-read.

13 It says: "As a condition of any approved rezoning
14 becoming effective that will allow for parking used on the
15 amendment site Broadway Village Shopping Center shall agree to
16 designation as a City Historic Landmark and to complete the
17 process associated with that designation."

18 So that seems pretty straightforward. Broadway Village
19 Shopping Center shall agree to a designation as a City Historic
20 Landmark and complete the process associated with that,
21 associated with the designation.

22 But then there was a bait and switch somewhere along
23 the way. Mr. Duarte, who is no longer with the City of Tucson,
24 seemed to craft some sort of special deal where only specific

1 buildings that are part of the Broadway Village Shopping Center
2 were included in the historic, in the Historic Landmark
3 designation. It doesn't say Building A and B, and - it says
4 "Broadway Village Shopping Center", which really is an
5 implication that it would be the entire planned area of
6 development.

7 In the Planned Area Development, the term "Broadway
8 Village Shopping Center" is used a few times, as well as Kinley
9 Horne Traffic Study (sic) almost exclusively, it refers to the
10 entire shopping area as, as the entire plaza and the "Broadway
11 Village Shopping Center".

12 So it's, it's a little concerning that, that this is
13 actually sort of being nuanced out and that the community isn't
14 being provided with protections for these resources that were,
15 that were - well, frankly, they seemed to be assured by the Mayor
16 and Council's action.

17 The - additionally, there was some discussion
18 internally. I had e-mails back and forth with Council Member
19 Kozachik that there were questions from the City about whether or
20 not some of the buildings were even eligible as local historic
21 landmarks. The City didn't, didn't consult with the Historic
22 Commission. There was no consultation with Shipo (ph.). It was
23 just sort of broad opinion based on outdated documents.

24 We went to the Historic - we went to the State Historic

1 Preservation Office, and they provided documentation that, in
2 fact, they view all of the buildings as eligible, both
3 individually or as a district, and I have that documentation
4 here. Additionally, these buildings have always been considered
5 collectively -

6 ZONING EXAMINER: Let me, let me just ask a question
7 about the - you're talking about all the buildings that are in
8 the PAD?

9 MR. KLINKO: Yeah. All of the build- -- they would be
10 basically the entire PAD. I mean part of, part of - as, as you
11 know, these tools are flexible documents. They change over time.
12 This was created not that long ago. It was created in 2011.

13 Here we are five years later already amending and
14 making changes to the P-A-D. I suspect that there will be
15 changes in the future. And probably in 20 years from now, there
16 will be a whole new zone that we haven't even imagined yet.

17 And, and I have concerns about how the language is
18 actually being put into this, put into this PAD to create a
19 Historic Landmark. HL is an overlay traditionally, and so I
20 would imagine that it would be rezoned, the entire PAD, as HL
21 P-A-D. Instead, the language is being imbedded into the document
22 through a minor administrative change.

23 And as you know, Mr. Kafka, it is not easy to make a, a
24 Historic Landmark in the City of Tucson. And so it's very odd

1 that we're able to, through this sort of very quick sort of hocus
2 pocus create a minor administrative change. And what's to say
3 some zoning, or some Director of Development Services in the
4 future doesn't undo the Historic Landmark through the same minor
5 administrative change?

6 I was told that there was language to insure that that
7 doesn't happen. I, I haven't, I haven't seen the language that
8 would negate the ability to remove this through a minor
9 administrative change, or if there was a full rezoning, that this
10 wouldn't just be tossed out as part of the language imbedded
11 inside of the document.

12 You know, I think the implication, it seemed to me, was
13 - they said the entire Broadway Village. They didn't specify
14 only certain buildings associated with Broadway Village. And
15 then it was sort of this whole nuance about the, about the Warner
16 Boz (ph.). Even one of the individuals testifying tonight in
17 support of this referred to all of the buildings as Broadway
18 Village.

19 Mr. Page Repp has designed buildings, interior spaces
20 in both buildings, and he refers to them as Broadway Village.
21 It's collectively always referred to as Broadway Village. Here's
22 an article from the Tucson Daily Citizen, June 14th, 1961, when
23 the Warner Boz Building was constructed, and it was also called
24 Broadway Village, and part of Broadway Village.

1 So I can present that as, as some evidence. There's
2 always been sort of an opinion that these were all collectively
3 one shopping center. They were zoned as a PAD, they were
4 codified by the Mayor and Council in 2011 as such. And now, and
5 now it's being parsed apart, and it's really sort of a bait and
6 switch. That's, I think, really misrepresenting the commitment
7 made to the community.

8 So it's very disappointing that this has sort of gone
9 on this way. There hasn't been any public input or process with
10 the creation of this language. It just sort of happened. And
11 then Mr. Duarte left. I would ask that you would continue this
12 hearing until these issues are resolved.

13 I mean these are - this is like there were only three
14 specifications to the area plan amendment, too. I would
15 acknowledge they're being met, but this, but this one which I
16 think was, was sort of a lynchpin, isn't actually being met.
17 It's being parsed apart and nuanced out. And I don't think it's,
18 it's consistent with the commitment that was being made.

19 ZONING EXAMINER: Okay. Thank you. And I'll admit
20 those into the record, the article from the Daily Citizen 1961,
21 and your letter, or the letter from Mr. Garrison.

22 MR. MOYER: You want copies of those?

23 ZONING EXAMINER: Okay. Thanks. All right. You also
24 wish to speak in opposition?

1 MS. PATTISON: Okay. My name is Ann Pattison, and I'm
2 a resident of Broadmoor-Broadway Village Neighborhood
3 Association.

4 Earlier this year when this issue went up before Mayor
5 and Council, we were - our neighborhood was supported by many
6 surrounding neighborhoods, and we were fighting not to have our
7 neighborhood plan and area plans amended.

8 And we had the votes of the City Council at the time
9 until an ultimate hour deal was made. That deal's been read
10 twice now. I don't think I need to revisit it. And that was
11 that the, the carrot that convinced the rest of the City Council
12 to go ahead and amend our plans so that this residential area
13 could be rezoned for parking was that Broadway Village Shopping
14 Center get landmark designation and we would get the \$10,000, and
15 they wouldn't build those two extra buildings.

16 I'd like to say - I have some comments on Mr.
17 Grassinger's remarks. He talks about the alley configuration.
18 Now what he doesn't mention is that configuration will block off
19 access from the north because the way they reconfigure it, it
20 empties into a one-way street.

21 And he's talked to three neighbors, but those - none of
22 those three residences have garages on the alleyway. There are
23 probably 45 houses to the south, most of which have garages
24 accessed from the alleyway and none of those people have been

1 contacted about that. The other thing is when the PAD was
2 developed -

3 ZONING EXAMINER: And that's because the alley is one-
4 way?

5 MS. PATTISON: No, the alley is two ways.

6 ZONING EXAMINER: Okay.

7 MS. PATTISON: But the turn that they're making exits,
8 exits onto a one-way street, divi- -- it's divided by an island.

9 ZONING EXAMINER: Uh-huh.

10 MS. PATTISON: There's an island in the way.

11 ZONING EXAMINER: Okay.

12 MS. PATTISON: When the PAD was approved by the City,
13 the developers of Broadway Village insisted they had plenty of
14 parking, even though it wasn't quite up to code. And the main
15 reason now that they don't have parking is they have changed the
16 original mix of shops which were mainly boutique shops that had
17 patronage spread throughout the day.

18 And now they've got a, an emphasis on restaurants and
19 bars where the parking is intensified, and mainly at nighttime
20 hours. And that's really where their parking problem is. During
21 the day, there is - there are quite a few empty spaces.

22 So once again, we, we would like to see the original
23 deal which is that the entire shopping center be included in the
24 Historic Landmark. We want to be assured that the landmark

1 overlay has the clout of the local City landmark designation that
2 was promised, and that it can't be undone by a future amendment
3 to the PAD. That's, that's one of our concerns is that if this
4 amendment can be made without any public hearing, that it can be
5 unmade with, again, without any public hearing.

6 And I echo Damien's request that this hearing not be
7 closed until these issues have been worked out. Thank you.

8 ZONING EXAMINER: Thank you. Sir.

9 MR. RUOTI (ph.): I'd like to, I'd like to start by
10 thanking the owners of Broadway Village for owning a beautiful
11 property.

12 ZONING EXAMINER: Let me, let me interrupt you just
13 briefly.

14 MR. RUOTI: Yes.

15 ZONING EXAMINER: What's your name, sir?

16 MR. RUOTI: Oh, sorry.

17 ZONING EXAMINER: That's all right.

18 MR. RUOTI: Yes. Thank you. I'm Richard Ruoti. I
19 live in the Broadmoor-Broadway Village Neighborhood. I've lived
20 there since 1990.

21 ZONING EXAMINER: Thank you.

22 MR. RUOTI: Okay. So I'd like to thank the owners of
23 Broadway Village for owning a beautiful property, for being
24 willing to obtain historic designation for (inaudible) buildings

1 and for moving the two additional buildings from the PAD.
2 However, as you've heard from a couple of speakers already,
3 there's a problem, Resolution 22348 from Wednesday, February 4th,
4 2015. The City Council states that Broadway Village Shopping
5 Center shall agree to a designation of City, City Historic
6 Landmark.

7 According to this resolution, the Broadway Village
8 Shopping Center shall be a City Historic Landmark, not part of
9 Broadway Village, all of Broadway Village through Shipo. As I
10 understand it, when you have City Historic Landmark status, any
11 demolition of that property, you know, has to go through Mayor
12 and Council. And I have concerns that the way this is being
13 done, we don't have that.

14 There are currently only five Historic Landmarks, as I
15 understand it, on the City of Tucson website. The Valley of the
16 Moon would make six. San Pedro Chapel, El Tierradito (ph.)
17 Wishing Shrine, the (Inaudible) Douglas House, the Smith House,
18 and the El Con water tower. Isn't Broadway Village at least as
19 deserving of landmark status as these properties?

20 I'm not an architect, but I think we can all recognize
21 beautiful historic buildings when we see them. And Broadway
22 Village has to be one of the most significant building sites in
23 the City of Tucson, owned by the Murphys since 1930's, recognized
24 as one of the first shopping centers in the State of Arizona

1 built outside of a downtown. The crown jewel of all of Josiah
2 Josser's (ph.) buildings, and including the beautiful Warner Boz
3 Building.

4 According to Preserve Tucson.org, the Warner Boz
5 Building was designed as an architectural tour de force, a
6 building that would stop traffic. A building that would
7 integrate into the existing buildings designed by the architect
8 who later designed the St. Phillip's Plaza retail shopping center
9 at the corner of River and Campbell.

10 To not include the Warner Boz Building at this time in
11 landmark historic status would be a terrible thing to do.
12 Broadway Village is a beautiful treasure for all of Tucson, a
13 source of pride for all Tucsonans.

14 Broadway Village is a destination intersection for
15 proud, historic neighborhoods. I join with two of the speakers
16 that spoke before that we continue the hearing so that we can
17 include all of Broadway Village for historic designation. Thank
18 you very much.

19 ZONING EXAMINER: Thank you, sir. Ma'am.

20 MS. ZELNIO: Hi. My name is Debra Zelnio. I am a
21 resident of the Broadmoor Neighborhood. I'd like to, rather than
22 repeat what everyone else has been talking about, I just wanted
23 to make clear that the confusion with the Warner Boz Building has
24 something to do with the fact that it was built in 1961.

1 The documents that were being used by the City to
2 decide whether it was eligible or not were from 2009. A building
3 of this, this era cannot be considered individually eligible
4 until it's 50 years old. So that was 2011. So it took about two
5 hours to put the document together to send up to Shipo to ask for
6 their ruling for its eligibility. And as of 2011, it was
7 individually eligible. Thank you.

8 ZONING EXAMINER: Thank you. Anyone else wishing to
9 speak in opposition?

10 MR. MAYER: Good evening, Mr. Zoning Examiner. My name
11 is Mark Mayer. I'm here on behalf of the Julia Keene
12 Neighborhood Association, and Co-Chair of the Association.

13 I'm not here to speak to try and roll back the clock or
14 speak about any of the specific details, but just to re-emphasize
15 the point that's been made by a number of speakers already that
16 when the plan amendment went to Mayor and Council, it probably
17 would have failed had it been not for this deal that was made.

18 And one of the key deal points was the Historic
19 Landmark status for Broadway Village. And I can certainly say
20 for our neighborhood which lies within a mile to the south, that
21 we understand Broadway Village to be the entire development
22 that's being talked about.

23 And I think there's a weariness where it's gotten so
24 hard for neighborhoods to be able to rely on any co-policy

1 ordinance statute this can go on, that in this case, this was
2 done publicly and it wasn't what the neighborhoods supported at
3 the time, but there were things to like about it. Some, some
4 advantages to it.

5 And that to undo the deal that had been made in that
6 public forum before the Mayor and Council that we used to garner
7 votes that would have otherwise been "no" on the Mayor and
8 Council to later roll that, roll that back is, is very troubling.

9 And so, however you craft your, your recommendation on
10 this, I would urge it to include that the deal be - that had been
11 previously made be fully honored, and that the Historic Landmark
12 status would apply to the entire Broadway Village, not just a
13 portion of it. Thank you.

14 ZONING EXAMINER: Thank you, Mr. Mayer. Anyone else?
15 All right. You can come forward. I'm not rushing you, Mr.
16 Mayer, I'm just -

17 MR. MAYER: Okay.

18 MS. PIERCE: Good evening. My name is Les Pierce, and
19 I'm the President of the Arroyo Chico Neighborhood Association.
20 Arroyo Chico Neighborhood is adjacent to Broadway Village, and I
21 will again not repeat all the extremely well-articulated comments
22 already made.

23 I just want to reinforce my support for the position
24 that when a deal has been made, it should be kept. Promises made

1 in front of God and everybody should be kept. The Boz Building
2 is part of Broadway Village, and it should not be singled out for
3 non-protection. Thank you.

4 ZONING EXAMINER: Thank you. Anyone else wishing to
5 speak in opposition to the proposed rezoning? Actually, Mr.
6 Mayer, if you could, if you could just put it on the table just
7 in case. That way I'll be able - I won't forget it. I'll see it
8 there. Okay. Thanks. All right. No one else wishing to speak
9 in opposition at this time? All right. Mr. Grassinger?

10 MR. GRASSINGER: Thank you, Mr. Kafka. First of all,
11 let me say that I'm extremely pleased that there appears to be no
12 opposition to this rezoning, okay? Everybody seems to have a
13 problem, but it is not with this particular rezoning.

14 And I think part of it is way back in the beginning -
15 I'm gonna go just back for reference to look at the P-A-D again.
16 When the plan amendment was approved, it was a contentious
17 evening. There was a lot of things going on. We were asked by
18 Council to agree to certain conditions. And there has always
19 been some interpretation of what those conditions actually
20 specifically said.

21 What was said orally into the record, I would contend,
22 was not exactly what was written into the, into the written
23 ordinance of the, of the - or resolution for the change. Be that
24 as it may, City Staff has always had the, the, the responsibility

1 of interpreting whether or not somebody is complying with certain
2 conditions or not.

3 I, I contend that we wouldn't be here in front of you
4 if City Staff didn't go through that. In fact, we've worked with
5 them to make sure that we all understand what those conditions
6 were and that we were meeting those conditions.

7 We seem to be focusing on the term "Broadway Village
8 Shopping Center". Let me, let me make the point, or the case,
9 that in 1939, these two buildings were built as Broadway Village
10 Shopping Center. Actually there was another building on the
11 corner which was a gas station, which is now no longer there.

12 In 1961, this building was constructed. I don't know
13 when the adjacent attached buildings were, but this is a
14 completely different structure over here. Yeah, people like to
15 tag onto the name "Broadway Village". Sure. Why not? It's a,
16 it's a, it's something everybody knows where it's at. It has a
17 great reputation and so forth.

18 But for purposes of Historic Landmark designation, this
19 was Broadway Village Shopping Center, just as some of the other
20 examples that were used, like the San Pedro Chapel, the El Con
21 water tower, they were single structures that were designated as
22 Historic Landmarks.

23 We didn't include the entire historic, the entire Fort
24 Lowell Neighborhood, their historic neighborhood district as part

1 of Historic Landmark history. It was strictly those, those
2 significant structures.

3 Therefore, I, you know, I think is really off the, the
4 purpose of why we're here tonight. But I think it deserves some
5 clarification, which, you know, for your benefit. And again,
6 the, the parking lot is somewhat disassociated from that. I
7 think that's - if it's an argument that people want to make, they
8 should make it with the, the City separately as opposed to part
9 of this rezoning.

10 I had another point, and I've lost it. Oh. The
11 Tucson-Pima Historic Commission is probably the, the best place
12 for, for the appeal to that. Oh. The concern was that if the
13 P-A-D could be amended to allow a Historic Landmark designation,
14 couldn't it be amended to disallow that same thing?

15 I would, I would contend that that's not the case.
16 It's not that simple. Once a Historic Landmark zone is in place,
17 it is a whole different process to remove it. And it certainly
18 wouldn't be a minor amendment to a P-A-D at that point.

19 Okay. Regardless - unless there's other questions that
20 you might have, I, I contend that this parking rezoning is a
21 stand-alone and should not be totally encumbered by a condition
22 from a plan amendment that Staff has interpreted that we are
23 meeting that condition.

24 We're doing it through a process that some people don't

1 like for whatever reason. I think it's very aboveboard and has
2 always been aboveboard. And anybody who is interested in, in,
3 you know, knowing about it, they have the opportunity to do that.

4 True, there was no public hearing process, but still
5 there was, it was, it was an efficient and open process that
6 allowed the minor amendment to occur. Thank you.

7 ZONING EXAMINER: Thank you. All right. Anybody else?
8 All right. Seeing no one else wishing to testify in Case No. C9-
9 15-02 Broadway Village-Eastbourne Avenue, that case is hereby
10 closed. Thank you.

11 (Case No. C9-15-02 was closed.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 09/23/15


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